

U.S. Patent Application Serial No. 10/534,712
Amendment filed August 29, 2009
Reply to OA dated May 22, 2008

REMARKS

Claims 1-9 are currently being examined in this application, and stand rejected. Claims 1 and 9 have been amended in order to more particularly point out, and distinctly claim, the subject matter to which the applicants regard as their invention. Claims 1-3, 6, and 9 have been amended to remove means-plus-function language. The applicants respectfully submit that no new matter has been added, and it is believed that these amendments are fully responsive to the Office Action dated **May 22, 2008**.

Claims 1 and 9 have also been amended to clarify that, instead of the generator being reactivated at the end of a telephone call, the first content signal is reactivated.

In this office action, claims 1-8 are rejected under 35 U.S.C. § 103(a) for being unpatentable over Boys (U.S. Patent App. No. 2002/0001303) in view of Schmidt (U.S. Patent No. 6,522,894).

Boys is directed towards an internet radio device having an IP telephony mode. The office action takes the position that the contents reproducing apparatus of Boys having a telephone function is an internet radio device with IP telephony.

However, the office action acknowledges that Boys “does not teach automatically reactivating the generating means upon terminal of the telephone voice signal” (Page 3, lines 1-2).

U.S. Patent Application Serial No. **10/534,712**
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The Examiner then asserts that Schmidt teaches automatically reverting to a default mode when a phone call has ended, and that this limitation is an obvious addition to Boys.

Schmidt is directed towards a simplified speaker mode for a wireless communications device, and discloses “the wireless communications device reverts to the default mode when the call session ends”. The office action takes the position that adding this feature “would have been obvious to an artisan of ordinary skill”.

Claims 1 and 9 are herein amended whereby each of type of broadcast data received is decoded by a common DSP 20 (See specification page 25, lines 12-16). Neither Schmidt nor Boys discloses such a feature. This feature is a significant improvement because it reduces the cost of the invention by streamlining the necessary elements for the unit’s signal processing. Particularly, this feature is part of the reproducer and finds support in the specification as element 20 (DSP).

As such, withdrawal of the rejection under 35 U.S.C. § 103(a) as to claims 1-9 is in order and respectfully solicited.

In this office action, claims 9 and 3-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Boys (U.S. Patent App. No. 2002/0001303) for the reasons asserted in the first office

U.S. Patent Application Serial No. **10/534,712**
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action. The applicants respectfully traverse this rejection.

Because Claims 3-8 all directly, or indirectly, depend upon claim 1 or claim 9, these claims are believed to be patentable.

Additionally, amended claim 9, similarly to claim 1, is also not rendered obvious by the cited references. According to claim 9, if the reproducing signal is changed from the first content signal to the telephone voice signal when first content signal is active, the telephone voice signal is output from the first outputter and at the same time from the second outputter, instead of the first content signal, the second content signal becomes the output. When the telephone call ends, the reproducing signal is changed to the first content signal from the telephone voice signal. The telephone voice signal from the first outputter is stopped, and the status returns to the state where the second outputter outputs the first content signal.

In contrast, Boys lacks elements equal to the generator, the disabler, and second outputter. Thus, when the invention of Boys receives an IP telephone call while the user listens to the internet radio signal, no substitute sound signal for the IP radio, FM radio, or the CD is ever output simultaneously to the telephone voice signal.

U.S. Patent Application Serial No. **10/534,712**
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Similarly, Schmidt also does not solve this problem. Even if Schmidt returns its apparatus to the same state after termination of a telephone call as it was prior to that call, the combination of Boys and Schmidt does not render the present invention obvious. Thus, even if Boys and Schmidt were read together, a person of ordinary skill in the art would understand their combination to be something completely different than the present invention as recited in amended claim 9.

As such, claims 9 and 3-8 are believed to be patentable, and in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 102(b) is now in order and respectfully solicited.

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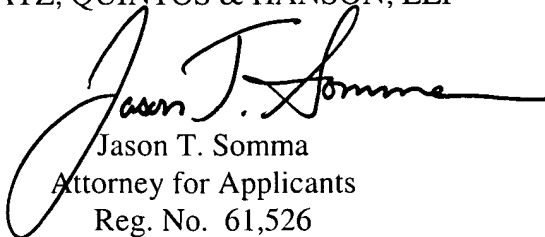
In view of the aforementioned amendments and accompanying remarks, Claims 1-9 are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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